

## LEGISLATIVE MINUTES

### MARLBORO TOWNSHIP COUNCIL MEETING

March 16, 2004

The Marlboro Township Council held a "Special" Council Budget Meeting on March 16, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione announced that pursuant to the provisions of the Open Public Meetings Act, notice of this special meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on March 5 and March 12, 2004; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Burrows (8:30 PM), Councilwoman Morelli, Councilman Pernice and Council President Mione.  
Council Vice President Denkensohn was absent.

Also present were: Deputy Mayor Martin Karasick, Business Administrator Chris Marion, Chief Financial Officer Judith Tiernan and Municipal Clerk Alida DeGaeta

At 9:55 PM, Councilman Pernice moved that the meeting go into executive session for reason of discussing personnel and contract negotiations. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Denkensohn).

#### RESOLUTION # 2004-87

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 16th day of March, 2004 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, personnel, and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive

session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:55 PM, Councilman Pernice moved that the executive session be opened. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Denkensohn).

The following Resolution #2004-88 (Appointment of Township Auditor) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows, and was passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION #2004-88\_

A RESOLUTION AUTHORIZING THE APPOINTMENT OF AND  
EXECUTION OF A CONTRACT WITH THOMAS P. FALLON OF THE  
FIRM OF FALLON & FALLON LLP, TO ACT AS THE INDEPENDENT  
TOWNSHIP AUDITOR

WHEREAS, Section 4-32 of the Code of the Township of Marlboro requires the Township Council to appoint an independent township auditor for a term of one year; and

WHEREAS, the Township Council desires to appoint Thomas P. Fallon of the firm of Fallon & Fallon LLP as the independent township auditor pursuant to the terms and conditions of Section 4-32 of the Code of the Township of Marlboro; and

WHEREAS, Thomas P. Fallon, submitted a proposal for the provision of such services to the Township Council; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Thomas P. Fallon is hereby appointed as the independent township auditor and the Mayor is hereby authorized to execute a contract between Thomas P. Fallon of the firm of Fallon & Fallon LLP and the Township of Marlboro to act as the independent township auditor for a term of one year pursuant to Section 4-32 of the Code of the Township of Marlboro and in accordance with the terms and conditions of the proposal submitted to the Township Council; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Thomas P. Fallon
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP

At 11:00 PM, Councilman Burrows moved that the meeting be adjourned. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Denkensohn).

MINUTES APPROVED:

OFFERED BY: Pernice

AYES: 4

SECONDED BY: Morelli

NAYS: 0

ABSENT: Denkensohn

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ALIDA DE GAETA  
MUNICIPAL CLERK

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JAMES MIONE  
COUNCIL PRESIDENT